

REMARKS

I. Introduction

In response to the non-final Office Action mailed April 4, 2007, the Assignee submits the following amendments and remarks. Claims 1, 2-3, 5-6, 8, 10, 14-16, 21, 27-29, and 31 are amended. No new matter is added by the present amendment. After entry of the amendment, claims 1 – 31 and 103-104 remain pending in the application. The present amendment and response is believed to traverse all of the prior Office Action rejections and allowance of the pending claims is kindly requested.

II. Rejections Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejected claims 5, 6, 8, 15, 21 and 29 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. For at least the reasons provided below, the Assignee respectfully traverses this rejection.

The Office Action stated the term “reciprocity,” as recited in claims 5 and 21, is not defined. Claims 5 and 21 are amended by the present response to replace “reciprocity” with “data.” Accordingly, the Assignee respectfully requests reconsideration and withdrawal of the rejection.

The Office Action stated the term “consistency,” as recited in claims 6 and 29, is a relative term rendering the claim indefinite, that “consistency” is not defined by the claims, and that the specification does not provide a standard for ascertaining the requisite degree. Claims 6 and 29 are amended to recite “wherein determining the score for the statistics by

comparing the statistics to the threshold comprises comparing the statistical file to a member profile to determine consistency of the content of the contributing member's information contribution to the exchange repository." Accordingly, the Assignee respectfully submits that "consistency" is defined in the claims. Furthermore, the specification discloses an example of "consistency" with the following: "A member's statistical file is compared against the current member profile to determine consistency of the member's data contribution. If a member has increased or decreased the content of the member's data contribution, then the member profile can be updated appropriately." (See pg. 13, line 31 – pg. 14, line 2). In addition, the Manual of Patent Examining Procedure states "[t]he fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. . . . Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." (MPEP § 2173.05(b)). One of ordinary skill in the art would understand the term "consistency" as recited in claims 6 and 29 in light of the specification. Accordingly, the Assignee respectfully requests reconsideration and withdrawal of the rejection.

The Office Action stated it was unclear in claim 8 how the processes relate to the steps of claim 1. Claim 8 is amended by the present response to add language to require that creating a member profile for the member contributing the input data file comprises an address standardization process and a name standardization process. Accordingly, the

Assignee respectfully submits that amended claim 8 relate to claim 1 and requests reconsideration and withdrawal of the rejection.

The Office Action stated there was insufficient antecedent basis for “the history file” recited in claim 15. Claim 15 is amended by the present response to recite “a history file.” Accordingly, the Assignee respectfully requests reconsideration and withdrawal of the rejection.

III. Rejection Under 35 U.S.C. § 103(a)

A. Claims 1-11, 16-21, and 23-31

The Office Action rejected claims 1-11, 16-21, and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,405,175 to Ng (“Ng”) in view of U.S. Patent No. 7,092,821 to Mizrahi *et al.* (“Mizrahi”). For the reasons set forth below, the Assignee respectfully traverses this rejection and requests its reconsideration and withdrawal.

Independent claims 1 and 27 relate to a method for providing information exchanges between at least two members contributing input information to an exchange repository. A contributing member provides an input data file that includes input content comprising contributed data elements. A member profile is created for the contributing member that includes a statistics file. The statistics file for the member includes statistics regarding a type and number of contributed data elements for that member. A score is determined for the statistics file, and the contributing member’s access to receive a type and number of stored data elements in the exchange repository is determined based at least in part on the score. Accordingly, members enjoy reciprocity; the type and number of data elements they

contribute govern, at least in part, the type and number of data elements they can receive. Neither Ng nor Mizrahi teach or suggest this, singularly or in combination.

Ng discloses a website in which consumer-users can input information about a product and receive rewards for providing the information. (*See*, col. 4, lines 50-58). Specifically, Ng discloses rewarding users that provide information about a product. (*See, id.*) The rewards can include bonus online time, special offers, telephone calling card minutes, hotel nights, or other discounts. (*See, e.g.*, col. 9, lines 25-29). Ng determines the amount of reward points a user earns based on the provided information, the volume of users who actually use the provided information, and correct information. (*See, e.g.* col. 5, lines 4-25).

Mizrahi discloses an online interaction system allowing individuals to converse or otherwise interact with each other using questions, comments and other responses to questions. Interactions occur by users supplying answers to questions presented by other users and commenting on other users statements and otherwise allowing users to interact with each other. Other user's comments and questions are viewable by the user based on the rank of the comment or question. (*See, e.g.*, col. 2, lines 32-35). The rank is determined from a minimum number of users ranking each comment or question. (*See id.*)

Mizrahi discloses controlling user input, such as by limiting the number of comments a user can make based on past comments with low ranking. (Emphasis added, *see, e.g.*, col. 52, lines 52-55). Regardless of what they are allowed to input, users can access information as they desire in view of a maximum information assimilation rate of each user, unless it is

manually or automatically filtered. (*See*, Abstract; col. 25, lines 47-53). Filtering is based on a person's interests, geographical location, or question timelines and not on the user's contribution. (*See id*).

1. All Limitations Must be Disclosed or Suggested

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, all the claim limitations must be disclosed or suggested by the prior art.. *See* M.P.E.P. § 2143.03. The Assignee respectfully submits that the Office Action failed to establish *prima facie* obviousness since Ng and Mizrahi, individually or in combination, fail to disclose or suggest at least some of the claimed elements and the Office Action failed to provide other references which disclose such elements.

Specifically, Ng and Mizrahi, individually or in combination, do not disclose or suggest, “determining the contributing member’s access to receive a type and number of stored data elements in the exchange repository based, at least in part, on the score,” as recited in independent claims 1 and 27. The Office Action recognized that Ng does not disclose determining the contributing member’s access to a database based on the score, but it stated that Mizrahi discloses limiting a user’s access to a database based on a score. (Office Action, pg. 5). Mizrahi, however, fails to disclose or suggest controlling the contributing members access to receive a type and number of stored data elements, as required in claims 1 and 27 and thus all claims. (Emphasis added).

As stated above, Mizrahi controls user input by limiting the number of comments a user can make if the user has been flagged as a troublemaker, but allows users to access

information at a rate below a maximum information assimilation rate, as the user desires. (Emphasis added). It is true that Mizrahi allows filtering of information to determine such a maximum rate of access. However, that filtering is used to rearrange or remove some information based on a person's interests, geographical location, or question timeline rather than the type and quantity of information they entered. Access to information in Mizrahi is thus based on filtering using characteristics that are not associated with a type and number of contributed data elements. Therefore, Mizrahi does not disclose or suggest "determining the contributing member's access to receive a type and number of stored data elements in the exchange repository based, at least in part, on the score."

Accordingly, the Assignee respectfully submits that the Office Action has failed to establish a *prima facie* case for obviousness of claims 1 and 27 since Ng and Mizrahi either collectively or individually fail to disclose or suggest each element recited in claims 1 and 27. Since claims 2-11, 16-21, 23-26, and 28-31 are ultimately dependent on either claim 1 or claim 27, the references fail to disclose or suggest every element of these claims, for at least the reasons set forth above, as well. Accordingly, the Assignee respectfully submits that for this reason, all pending claims as amended are patentable. Allowance of claims 1-11, 16-21, and 23-31 is requested.

2. It would not have been obvious to combine the references

In addition to showing that all the claim limitations are disclosed or suggested by the prior art, the Office Action must show, either from the references themselves or in the knowledge generally available to one of ordinary skill in the art, that it would have been

obvious under *Graham v. John Deere Co.*¹ to modify the references or to combine teachings in the references to arrive at the claimed invention. See MPEP § 2143; *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. ____, 82 U.S.P.Q.2d 1385, 1395-96 (2007). Even assuming that the combination of Ng and Mizrahi discloses each element recited in the claims, which, as set forth above, is not the case, the Assignee respectfully submits that the Office Action has not established such a case of obviousness.

Ng discloses a system that rewards users who provide product information. In order to receive rewards, users must provide product information. Users may obtain additional rewards for providing correct or useful information. Accordingly, the rewards provide the users with incentives to provide product information that is correct. (See, e.g. Ng, col. 5, lines 4-25). Mizrahi, on the other hand, discloses an interaction system that allows users to interact with each other by receiving and submitting questions and comments in an online environment. Although a user can be limited or blocked from providing information if the user's previously provided statements or questions have been ranked low, the user can still receive information.

A person of ordinary skill in the art who combines Ng with Mizrahi would create a system in which users receive rewards, where such rewards are not dependent on whether they provide product information, much less the type and quantity of information they provide. Users would be limited or blocked from providing product information if their previously supplied product information is ranked low, but users could still receive rewards even without providing product information. Such a system would, apart from being

¹ 383 U.S. 1 (1966)

nonsensical, destroy the reward incentive in Ng for users to provide any product information, much less accurate information, since the reward incentive would not be dependent on the product information the user provided. Any user, whether they provided product information, would still receive rewards and thus there would be no incentive for users to participate by providing product information.

A person of ordinary skill in the art who combines Mizrahi with Ng would create a system in which users can provide as many questions or statements as they desire and receive questions or statements, even if the questions or statements are ranked low by other users. Such a system would destroy user input control and effective interactivity goals of Mizrahi. Instead of controlling user input by questions or statements previously provided by the user, users could enter as many statements or questions, as desired, without limitation, even if the information they previously entered is ranked low by other users. Furthermore, users could receive questions and statements submitted by other parties even if such questions and statements are ranked low, thereby obliterating Mizrahi's goal to provide effective information to users based on rankings.

Furthermore, Ng teaches away from the claimed invention because it discloses output in the form of rewards which are not data, and which are independent of the type and number of data elements contributed by the user; the rewards are generic to the content and the user can use them as he/she wishes. Mizrahi also teaches away from the claimed invention because it controls input instead of access to receive information, as required in claims, and by the determinations made by other users.

Accordingly, the Assignee respectfully submits that the Office Action has failed to establish a *prima facie* case for obviousness of claims 1-11, 16-21, and 23-31. For the reasons set forth above, allowance of claims 1-11, 16-21, and 23-31 is respectfully requested.

B. Claims 12-15 and 22

The Office Action rejected claims 12-15 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Ng, Mizrahi, and U.S. Patent No. 5,70,884 to Dedrick. Claims 12-15 and 22 are ultimately dependent on claim 1, for which reasons for allowance are provided above. For at least those reasons, claims 12-15 and 22 should be allowable as well and the Assignee respectfully requests allowance of claims 12-15 and 22.

IV. Non-limiting Claims

A. Claims 2, 29, and 31

The Office Action stated claims 2, 29, and 31 do not further limit claim 1 because the identifier is not related to the steps of “receiving,” “storing,” “associating,” “creating,” and “determining” steps of claim 1. Claims 2 and 28 are amended to recite, “wherein associating the input data file with the business entity identifier includes associating information relating to a guarantor of the business entity with the business entity identifier.” Claim 29 does not recite “the business entity identifier.” Claim 31 is amended to recite, “wherein associating the input data file with the business entity identifier comprises associating information relating to trade data of the business entity and at least one inquiry issued by at least one of the at least two members.” The Assignee respectfully submits claims 2, 29, and 31 further

clarify the claims on which they depend and requests withdrawal of the statement that they do not.

B. Claims 3 and 16

The Office Action also stated attributes of a contributing member in claim 3 or a data file in claim 16 do not further limit claim 1. Claim 3 is amended to recite “further comprising associating the contributing member with a member number, said member number identifying information relating to the contributing member.” Claim 16 is amended to recite “wherein receiving the input data file from a contributing member includes the input data file comprising a trailer record to facilitate a verification of an input data contribution process.” The Assignee respectfully submits claims 3 and 16 further clarify the claims on which they depend and requests withdrawal of the statement that they do not.

V. Rejection of Claims 103 and 104

The Office Action rejected claims 103 and 104 without explanation and thus the rejection of claims 103 and 104 is not addressed in the present response. An explanation of the reason(s) for rejecting claims 103 and 104 or an allowance of claims 103 and 104 is respectfully requested.

CONCLUSION

Claims 1 – 31 and 103-104 are pending in the application. The Office Action rejection is believed to be traversed by the present amendment and response. Allowance of claims 1 – 31 and 103-104 is respectfully requested. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for claims 1 – 31 and 103-104. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

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